



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/998,613

11/30/2001

John Merrow Davies

OPTP101USB

4910

7590

01/14/2005

Himanshu S. Amin
Amin & Turocy, LLP
National City Center
1900 E. 9th Street, 24th Floor
Cleveland, OH 44114

EXAMINER

SANTOS, PATRICK J D

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,613

Applicant(s)

DAVIES ET AL.

Examiner

Patrick J Santos

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15,17-34 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15,17-34 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 15-34 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 6,119,149 issued to Notani (hereafter Notani '149).

Claim 15:

Regarding Claim 15, Notani '149 discloses: a virtual private supply chain (Notani '149: Abstract; col. 2, lns. 1-7), comprising:

- a data acceptor operable to receive one or more supply chain data items from one or more supply chain members (Notani '149: col. 14, lns. 40-41 - note that the accessor of Notani '149 is analogous to the acceptor of applicant);
- a supply chain data store operable to store one or more supply chain data items received from one or more supply chain members (Notani '149: col. 5, lns. 32-47 – note that a persistent hierarchy of slots reads on a data store);
- a data accessor operable to selectively present one or more supply chain data items stored in the supply chain data store to one or more viewing supply chain members

(Notani '149: col. 4, lns. 17-26; Fig. 8, items 60 and 58 - note the web server implies viewing of data over an Internet browser); and

- the supply chain data store further adapted to facilitate establishing one or more relationships between a first supply chain data item originating from a first supply chain data member and one or more second supply chain data items originating from one or more second supply chain members (Notani '149: col. 15, lns. 55-58; col. 15, ln. 66 to col. 16, ln. 10; col. 14, lns. 43-46; col. 14, lns. 56-62 – note that a hub and spoke architecture facilitates establishing relationships of data items).

Claim 17:

Regarding Claim 17, Notani '149 discloses all the limitations of Claim 15 (supra).

Additionally, Notani '149 discloses: the supply chain data store is further adapted to facilitate establishing an ownership identifier for supply chain data items (Notani '149: col. 9, lns. 53-54; col. 10, ln. 53 to col. 11, ln. 11 – note that verify that a partner is who it claims to be, plus ability to collect data grouped by partnership, reads on facilitating establishing an ownership identifier).

Claim 18:

Regarding Claim 18, Notani '149 discloses all the limitations of Claim 17 (supra).

Additionally, Notani '149 discloses: the supply chain data store is further adapted to facilitate establishing one or more access rights to supply chain data items (Notani '149: col. 10, lns. 56-65 – note that setting “read, write, take, and subscribe permissibilities” reads on establishing access rights).

Claim 19:

Regarding Claim 19, Notani '149 discloses all the limitations of Claim 18 (supra). Additionally, Notani '149 discloses: the data acceptor is further adapted to transform the received supply chain data to conform with one or more supply chain schema (Notani '149: col. 14, lns. 41-42; col. 14, ln. 63 to col. 15, ln. 2; col. 15, lns. 31-43 - note the transformer conforming to the CDM schema).

Claim 20:

Regarding Claim 20, Notani '149 discloses all the limitations of Claim 19 (supra). Additionally, Notani '149 discloses: the data acceptor is further adapted to validate the transformed supply chain data (Notani '149: col. 12, lns. 5-17 - note that strong typing inherently reads on data validation since strong typing implies checking for a type mismatch error on incoming data, which in turn reads on data validation).

Claim 21:

Regarding Claim 21, Notani '149 discloses all the limitations of Claim 20 (supra). Additionally, Notani '149 discloses: the data acceptor is further adapted to load the validated supply chain data into the supply chain data store (Notani '149: col. 5, lns. 32-47; col. 14, lns. 40-48 – note that a persistent hierarchy of slots reads on a data storage and note the accessor, transformer, and transfer objects).

Claim 22:

Regarding Claim 22, Notani '149 discloses all the limitations of Claim 21 (supra). Additionally, Notani '149 discloses: the data accessor implements row-level supply chain security (Notani '149: col. 10, ln. 53 to col. 11, ln. 11; col. 9, lns. 44-58 - Note that the ability to

Art Unit: 2161

separate data rows specific to a collaboration, and further to set security attributes on a per element basis reads on row-level security).

Claim 23:

Regarding Claim 23, Notani '149 discloses all the limitations of Claim 22 (supra).

Additionally, Notani '149 discloses: the row-level supply chain security employs at least one of secure socket layers (SSL), digital certificates and encryption (Notani '149: col. 3, lns. 30-52).

Claim 24:

Regarding Claim 23, Notani '149 discloses all the limitations of Claim 15 (supra).

Additionally, Notani '149 discloses: the one or more supply chain members are configured in a hub and spoke configuration, with the supply chain members located at spokes and at least one of the data acceptor, the data accessor and the supply chain data store located at the hub (Notani '149: col. 3, ln. 59 to col. 4, ln. 5; Fig. 2).

Claim 25:

Regarding Claim 25, Notani '149 discloses all the limitations of Claim 24 (supra).

Additionally, Notani '149 discloses: at least one supply chain member implements a connection stream (Notani '149: col. 7, lns. 10-19).

Claim 26:

Regarding Claim 26, Notani '149 discloses all the limitations of Claim 25 (supra).

Additionally, Notani '149 discloses: where the connection stream is adapted to facilitate making communications between the hub and the spoke implementing the connection appear as a stream (Notani '149: col. 7, lns. 10-19).

Claim 27:

Regarding Claim 27, Notani '149 discloses all the limitations of Claim 26 (supra). Additionally, Notani '149 discloses: where the connection stream is further adapted to facilitate sending, receiving and/or validating BIOs (Notani '149: col. 7, lns. 10-19; col. 11, ln. 61 to col. 12, ln. 4 – note XML and Java (TM) Serial Streams support transfer of interface formats which reads on the “business interface objects” of applicant and further that “parameterized workflow” read on “business interface objects” of applicant).

Claim 28:

Regarding Claim 28, Notani '149 discloses all the limitations of Claim 27 (supra). Additionally, Notani '149 discloses: where the connection stream is further adapted to facilitate selecting an encryption level to be applied to data communicated between the hub and the spoke implementing the connection stream (Notani '149: col. 10, Table 2).

Claim 29:

Regarding Claim 29, Notani '149 discloses all the limitations of Claim 24 (supra). Additionally, Notani '149 discloses: where one or more supply chain data items may be persisted at one or more spokes (Notani '149: col. 3, ln. 46 to col. 4, ln. 5 – note that any enterprise, both hub and spoke, that participates in a global collaborations contains its own data).

Claim 30:

Regarding Claim 30, Notani '149 discloses all the limitations of Claim 29 (supra). Additionally, Notani '149 discloses: the persisted items are stored as BLOBS (Binary Large Objects) (Notani '149: col. 5, lns. 48-56 – note that an “arbitrary byte array” reads on a BLOB).

Claim 31:

Regarding Claim 31, Notani '149 discloses: a computer readable medium storing computer executable components of a virtual private supply chain comprising:

- a data accepting component operable to receive one or more supply chain data items from one or more supply chain members (Notani '149: col. 14, lns. 40-41 - note that the accessor of Notani '149 is analogous to the acceptor of applicant);
- a supply chain data storing component operable to facilitate storing one or more supply chain data items received from one or more supply chain members (Notani '149: col. 5, lns. 32-38; col. 14, lns. 40-48 – note that a persistent hierarchy of slots reads on a data storage and note the accessor, transformer, and transfer objects); and
- a data accessing component operable to selectively present one or more supply chain data items stored by the supply chain data storing component to one or more viewing supply chain members (Notani '149: col. 4, lns. 17-26; Fig. 8, items 60 and 58 - note the web server implies viewing of data over an Internet browser).

Claim 32:

Regarding Claim 32, Notani '149 discloses: a method for providing a virtual private supply chain between two or more supply chain members, the method comprising:

- centralizing supply chain data from a plurality of supply chain members (Notani '149: col. 5, lns. 32-47 - note that the global collaboration workspace reads on centralized data with respect to the collaboration data);

Art Unit: 2161

- conforming the supply chain data to one or more common schema (Notani '149: col. 14, lns. 41-42; col. 14, ln. 63 to col. 15, ln. 2; col. 15, lns. 31-43 - note the transformer conforming to the CDM schema); and
- selectively permitting access to conformed supply chain data based on row-level security applied to the conformed supply chain data (Notani '149: col. 10, ln. 53 to col. 11, ln. 11; col. 9, lns. 44-58 - Note that the ability to separate data rows specific to a collaboration, and further to set security attributes on a per element basis reads on row-level security).

Claim 33:

Regarding Claim 33, Notani '149 discloses: a method for providing a virtual private supply chain between two or more supply chain members, the method comprising:

- accepting one or more supply chain data items from one or more supply chain members (Notani '149: col. 14, lns. 40-41 - note that the accessor of Notani '149 is analogous to the acceptor of applicant);
- establishing one or more ownership identifiers for the supply chain data items (Notani '149: col. 9, lns. 53-54; col. 10, ln. 53 to col. 11, ln. 11 – note that verify that a partner is who it claims to be, plus ability to collect data grouped by partnership, reads on facilitating establishing an ownership identifier);
- transforming the supply chain data items to conform with one or more supply chain schema (Notani '149: col. 14, lns. 41-42; col. 14, ln. 63 to col. 15, ln. 2; col. 15, lns. 31-43 - note the transformer conforming to the CDM schema);
- validating the transformed supply chain data items (Notani '149: col. 12, lns. 5-17 - note that strong typing inherently reads on data validation since strong typing implies

Art Unit: 2161

checking for a type mismatch error on incoming data, which in turn reads on data validation);

- storing the validated supply chain data items in a supply chain data store (Notani '149: col. 5, lns. 32-47; col. 14, lns. 40-48 – note that a persistent hierarchy of slots reads on a data storage and note the accessor, transformer, and transfer objects);
- establishing one or more relationships between supply chain data items received from two or more supply chain members (Notani '149: col. 4, lns. 27-40); and
- selectively permitting access to one or more supply chain data items based on at least one of the ownership of the supply chain data item, the one or more relationships associated with the supply chain data items, and the one or more access permissions associated with the supply chain data items (Notani '149: col. 10, lns. 56-65 – note that setting “read, write, take, and subscribe permissibilities” reads on establishing access rights).

Claim 34:

Regarding Claim 34, Notani '149 discloses all the limitations of Claim 33 (supra).

Additionally, Notani '149 discloses a computer readable medium storing computer executable instructions operable to perform the method of Claim 33 (Notani '149: col. 17, lns. 9-10).

Claim 37:

Regarding Claim 37, Notani '149 discloses: a method for providing a virtual private supply chain between two or more supply chain members, the method comprising:

- means for collecting supply chain data from a plurality of supply chain members (Notani '149: col. 14, lns. 40-41 - note that the accessor of Notani '149 is analogous to the acceptor of applicant);

- means for standardizing the collected supply chain data to one or more supply chain schema (Notani '149: col. 14, lns. 41-42; col. 14, ln. 63 to col. 15, ln. 2; col. 15, lns. 31-43 - note the transformer conforming to the CDM schema which is a standardizing schema); and
- means for securely accessing the collected supply chain data (Notani '149: col. 3, lns. 30-52 - note SSL reads on secure access).

Response to Arguments

3. Applicant's arguments filed September 14, 2004 have been fully considered but they are not persuasive. Applicant's arguments are addressed as follows:

- A. Claims recite “***establishing*** one or more relationships” rather than “***relating*** data items from multiple supply chain members ***within*** the data store” (emphasis added) (Amendment: p. 9, lns. 18-26).

Examiner notes newly added limitation to Claim 15 recites “***establishing*** one or more relationships” rather than “***relating*** data items from multiple supply chain members ***within*** the data store” (emphasis added). Claims 31-33, and 37 have similar new limitations added. A restriction to relate data items within a data store is more restrictive than a mere establishing relationships. In particular, as currently worded, the claim limitation does not require either that the relating of data items occur within the data store or persist within the data store. As a result, the phrase, a workflow configuration reads on “establishing.”

Specifically, the workflow configuration of Notani '149, particularly configured in a hub and spoke, reads on this limitation (Notani '149: col. 15, lns. 55-58; col. 15, ln. 66 to col. 16, ln. 10; col. 14, lns. 43-46; col. 14, lns. 56-62). Notani '149 goes on to state, "In the hub and spoke realm ... there may still be integration that needs to be done, but can be circumscribed and precisely defined by the spoke portion of the collaboration." (Notani '149: col. 16, lns. 1-10). This circumscribing is enabled by a "global collaboration manager" which manages "transfer objects" and "transformer objects" along collaborative connections (Notani '149: col. 14, lns. 29-62).

B. Notani '149 recites establishing ownership of data (Amendment: p. 10, lns. 1-7).

Applicant asserts that public key encryption does not establish ownership of data. However, Claim 17 recites in part, "... establishing an ownership identifier ..." (Amendment: p. 5, ln. 7). Examiner finds claim language as currently written to be impermissibly broad, such that it reads on public key encryption. Specifically, public key encryption requires a decryption key. A decryption key reads on an ownership identifier. Additionally, since public key encryption is a form of authentication, it further establishes ownership of data. The prior Office Action indicated this issue in the rejection of Claim 17 by stating:

... note that verify that a partner is who it claims to be, plus ability to collect data grouped by partnership, reads on facilitating establishing an ownership identifier.

In general, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., ownership identifier is a database table key) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

C. Notani '149 discloses validation (Amendment: p. 10, lns. 8-15).

Applicant asserts that Notani '149 does not disclose validation because it does not specifically disclose a particular form of validation e.g. "accuracy, authenticity, and corruption" (Amendment: p. 10, ln. 10). However, Claim 20 recites in part, "... the data acceptor is further adapted to validate the transformed supply chain data." (Amendment: p. 5, lns. 14-15). However, Applicant admits that Notani '149 discloses guaranteeing a correct data object type is a form of validation. Specifically, Applicant states, "Rather, Notani '149 describes a method of strong typing on data communications to guarantee that the correct data object type is sent in a workflow. As described by Notani '149, this is strictly validating the data type when a message is sent." (Amendment: p. 10, lns. 11-13).

In general, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., validation is specifically directed to accuracy, authenticity,

and corruption) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Examiner further points out that the public key encryption of Notani '149, (Notani '149: col. 9, lns. 53-54; col. 10, ln. 53 to col. 11, ln. 11) also reads on authentication.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J D. Santos whose telephone number is 571-272-4028. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick J.D. Santos
January 7, 2005



SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100